EXAMINER INTERVIEW

The Applicants thank Examiner Dam for the telephone interview held on March 2, 2010. In the interview, the Applicants presented several clarifying amendments to further distinguish the claims over the cited references. The Examiner suggested an additional clarifying amendment to recite an "Internet browser application," which the Applicants have included in the amendments herein. The Examiner agreed that the proposed amendments would overcome the rejections in the Office Action.

AMENDMENTS TO THE CLAIMS

The disclosure teaches automatically launching an Internet browser using program code, which may include an independent application (or "applet") resident on a client computer. *See* Application Para. [0010], [0033], [0037], [0040], and [0052]. As is well known in the art, an "applet" may refer to a program, which may be programmed to perform a specific task (*e.g.,* invoke a browser application at a particular time):

> "**applet**…a small application program that is inexpensive and designed to do a small, specific job…" Dictionary of Computer and Internet Terms, Tenth Ed. (Barron's 2009).

The disclosure further teaches program code to launch an Internet browser, and includes several examples of such applications. *See* Application [0025], [0027], and [0037]. As is well-known in the art, to launch an application, such as an Internet browser, is to start an application that may not already be running on a computer:

> "**launch**...to start a computer program, especially in a multitasking operating system." Id.

The Applicants have amended claims 1 and 27 to further clarify these features; claim 1 has been amended to recite:

> "transferring to the client device program code that includes information relating to the media event, the program code configured to cause an Internet browser application at the client device to be **automatically launched** for presentation of the media event based on the information relating to the media event, wherein the program code automatically launches the browser application when the browser

application is not already running on the client device; Emphasis added; *also see* claim 27.

Claims 18 and 44 include similar clarifying amendments. *See* claims 18 and 44.

REJECTION OF CLAIMS 1-3, 5, 8-14, 17, 18, 20, 21, 26-29, 31, 34-40, 43, 44, 46, 47, 52, AND 53 UNDER 35 U.S.C. § 103

The Applicants respectfully traverse the rejection of claims 1-3, 5, 8-14, 17, 18, 20, 21, 26-29, 31, 34-40, 43, 44, 46, 47, 52, and 53 since neither the combination of Yurkovic, Parasnis, and Malik nor the combination of Bookspan, Parasnis, and Malik cited in the Office Action considers <u>all the words</u> of the rejected claims. *See* MPEP § 2143.03. It is well-settled law that a *prima facie* case of obviousness requires that the combined references consider <u>all</u> the words of the claims. *See* In re Wilson, 424 F.2d 1382, 1385 (CCPA 1970); *also see* MPEP § 2143.03. Therefore, the references must teach or suggest <u>all</u> the claim limitations. *See* In Re Royka, 490 F.2d 981 (CCPA 1974). The Applicants respectfully traverse these rejections since neither combination cited in the Office Action teaches or suggests **program code** as recited in the claims.

As discussed above, the claims have been amended to recite:

> "transferring to the client device program code...configured to cause an **Internet browser application** at the client device to be **automatically launched**...wherein the program code automatically launches the browser application **when the browser application is not already running on the client device**; Claim 1; emphasis added; *also see* claim 27.

The Office Action admits that neither Yukovic, Parasnis, nor Bookspan disclose these features and, as such, relies on Malik. However, in contrast to the claims, Malik discusses launching a <u>component</u> of a browser and <u>not the Internet browser application</u> itself, as in the claims. Malik paragraph [0055], which is cited in the Office Action, reads:

> "At 425, the message server 115 determines whether each attendee has generated a positive or negative reply signal. If an attendee has generated a positive reply signal, indicating that he or she will attend the IM Conference, the 'YES' branch is followed to 430. At 430, a timer is

automatically set to the date and time of the IM conference call to **automatically launch the recipient's Internet browser's IM applet** and connect with the IM Server 315…" Malik [0055]; emphasis added; *also see* [0049].

As clearly illustrated above, the timer discussed in Malik does not cause an Internet browser application to be launched, but instead is a timer that invokes a <u>component</u> of a browser that is <u>already running</u> (if the browser were not already running, the Malik timer within the browser could not invoke the IM applet thereof). <u>Id</u>. This is further clarified in Malik Fig. 4, which describes step 430 as, "automatically set timer to <u>launch instant messaging feature</u> for conference." Again, Malik states that a "feature" of the browser is to be invoked, not the browser application itself. *See* Malik Fig. 4.

Since Malik does not teach or suggest, "program code…configured to cause an Internet browser application at the client device to be automatically launched…when the Internet browser application is not already running on the client device," the Applicants respectfully traverse the rejection of claims 1-3, 5, 8-14, 17, 18, 20, 21, 26-29, 31, 34-40, 43, 44, 46, 47, 52, and 53.

REJECTION OF CLAIMS 4, 6, 7, 23-25, 30, 32, 33, AND 49-51 UNDER 35 U.S.C. § 103

Claims 4, 6, 7, 23-25, 30, 32, 33, and 49-51 stand rejected under 35 U.S.C. § 103 as purportedly being unpatentable over Yurkovic, Parasnis, Malik, and Hanson, and/or Dunlap. The Applicants do not believe, nor does the Office Action purport, that either Hanson or Dunlap cures the defects of Malik with respect to claims 1 and/or 27 (*e.g.,* that either Hanson or Dunlap disclose program code as recited in these claims). Therefore, and since if an independent claim is nonobvious, any claim depending therefrom is nonobvious, the Applicants respectfully traverse the rejection of claims 4, 6, 7, 23-25, 30, 32, 33, and 49-51. *See* <u>In re Fine</u>, 837 F.2d 1071 (Fed. Cir. 1988); *also see* MPEP § 2143.03.

GENERAL CONSIDERATIONS

By the remarks provided herein, the Applicants have addressed all outstanding issues presented in the Office Action. Applicants note that the remarks presented herein have been made merely to clarify the claimed invention from elements purported by the Office Action to be taught by the cited references. Such remarks should not be construed as acquiescence, on the Applicants' part, as to the purported teachings or prior art status of the cited references, nor as to the characterization of the cited references advanced in the Office Action. Accordingly, Applicants reserve the right to challenge the purported teachings and prior art status of the cited references at an appropriate time.

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CONCLUSION

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For the reasons discussed above, Applicants submit that the claims are in proper condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner notes any further matters that may be resolved by a telephone interview, the Examiner is encouraged to contact Kory Christensen by telephone at (801) 578-6993.

Respectfully submitted,

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